

REMARKS

Favorable reconsideration of this application and the Office Action of March 22, 2005 are respectfully requested in view of the foregoing amendment to the claims and the following remarks.

Claims 1-8, 12, 16-19 and 22-30 appear in this application. Claims 1, 22, 23 and 24 have been amended in this response. Claims 6, 8, 12 and 16-19 and 28-30 stand withdrawn from consideration as being drawn to the non-elected species.

It is noted that the allowance of certain claims has been withdrawn. It is also noted that the previous final rejection has been withdrawn. However, the new rejection is over the same reference as previously applied in the previous final rejection.

The rejection under 35 U.S.C. 102 (b) of claims 1, 4, 5, 7 and 22-27 and the 35 U.S.C. 103 rejection of claims 2 and 3 over US Patent 4,933,371 to Hink et al. are respectfully traversed. It is respectfully submitted that both of these two rejections are erroneous and not grounded in the facts as disclosed in the cited reference.

It is respectfully submitted that a full and complete appreciation of Applicant's invention makes it abundantly clear that the invention is neither disclosed nor rendered obvious by the disclosure in Hink et al. Applicant's discovered compositions that are capable of releasing small (non-lethal) amount of linalool (and other 3-methyl-1-alkene-3-ols and 3-methyl-1-alkyn-3-ols) can inhibit the ability of mosquitoes from sensing a target (e.g., human) by olfactory emissions, rather than the use of lethal amounts of compounds to kill mosquitoes. This is the first time that such an olfactory inhibition ability has been discovered. Previously, mosquitoes could not be prevented from olfactory sensing targets. Rather, the problem with mosquitoes was addressed in one of two ways. Either killing mosquitoes (e.g., by electrocution after attracting them, or spraying (contacting) the mosquitoes with an insecticidal lethal effective amount of an insecticide), or by repelling mosquitoes once they have contacted their target (e.g., by the use of DEET® or similar mosquitoes repellants). It is

with the present invention that a new, more effective way of dealing with mosquitoes has been presented, i.e., by presenting compositions that can inhibit the ability of mosquitoes to sense a target by olfactory emissions, so that they cannot land on the target and need to be repelled.

As stated in applicant's previous response, the thrust of the Hink et al. patent disclosure is directed to compositions for killing ticks and fleas with a toxic (insecticidal) amount of certain compositions that include linalool (col. 3, lines 9 to 12) and most of the portions of the patent cited in the Office Action relates to compositions for ticks and fleas. The only cited portion of the reference relating to mosquitoes is at column 12, line 43 to column 13, line 20. This disclosure relates to **sprayable solutions** containing **extremely large** amounts of linalool (2.5%, 5% and 10% linalool) employed **to kill mosquitoes**. Applicant's claimed compositions are different (patentably different) and unobvious from this disclosure. Applicant's compositions are not for killing mosquitoes. Rather, Applicants composition are for dispensing into the atmosphere small amounts (non-lethal amounts) of certain compounds for inhibiting the scent tracking ability of mosquitoes to track humans (as the claims of the present application clearly state). See the Declaration of Inventor Robert Bedoukian submitted December 3, 2004. Nothing in the disclosure of Hinks et al. teaches anyone skilled in the art that small, non-lethal amounts linalool has this effect on the scent tracking ability of mosquitoes when the relatively small, non-lethal amounts are dispensed into the atmosphere. Furthermore, the disclosure in Hink et al. of dips, concentrates and shampoos are all to compositions with relatively large amounts (2.5%, 5% and 10%) of linalool for **contacting** the fleas, ticks and mosquitoes. **As will be appreciated, the compositions of the present invention are not required to be sprayed onto mosquitoes.** The compositions are compositions that are to be dispensed into the atmosphere to simply protect humans by having an atmosphere with dispensed linalool therein so that when mosquitoes enter the area they are unable to track humans. Thus, the disclosure in Hink et al. does not anticipate claims 1, 4, 5, 7 and 22 to 27, nor render obvious claims 2 and 3, and withdrawal of these erroneous rejections is respectfully requested.

In rejecting claims 2 and 3 for obviousness, the Office Action dismisses the

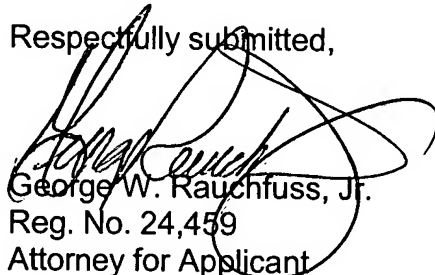
limitation of claims 2 and 3 as being obvious since "One having ordinary skill in the art would have been expected to determine the optimal amount of linalool". This conclusion is erroneous and without any basis. Since the disclosure in Hink et al. relates to insecticidal compositions for **killing** mosquitoes, it does not provide any teaching to lead one skilled in the art to employ any **non-lethal amount** of linalool **in the environment** for inhibiting the human scent tracking ability of mosquitoes, let alone optimizing the amount for such purpose. The patent relates to compositions containing large amounts of linalool, such as in dips, shampoos and sprays) for placing on or in contact with insects to kill them. There is no disclosure or teaching of compositions for releasing relatively small amounts of linalool from the composition into the atmosphere from a porous or waxy medium. Therefore, the Section 103 obviousness rejection is erroneous for this additional reason and should be withdrawn.

For all the reasons stated hereinbefore it is submitted that both of the prior art rejection are erroneous and the PTO is respectfully requested to reconsider and withdraw these two rejections of the claims. With the withdrawal of the rejections and allowance of these claims 1-5, 7 and 22-27 withdrawn claims 6, 8, 12, 16-19, and 28-30 should be rejoined with the allowable generic claim 1 and also passed to issue. ,

It is respectfully submitted that the foregoing is a full and complete response to the Office Action and that all the claims are allowable for at least the reasons indicated. An early indication of their allowability by issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By:


George W. Rauchfuss, Jr.
Reg. No. 24,459
Attorney for Applicant

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, Tenth Floor
Stamford, CT 06901-2682
Tel: (203) 327-4500; Fax: (203) 327-6401
Date: May 23, 2005